

Appendix B: White House Task Force Authorities

Section 639 of the Treasury and General Government Appropriations Act of 1998 (P.L. 105-61, Coordination of Counterdrug Intelligence Centers and Activities):

(1) Not later than 120 days after the date of enactment of the Act, the Director of the Office of National Drug Control Policy shall submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers and counterdrug activities of the Federal Government, including the centers and activities of the following departments and agencies:

- (A) The Department of Defense, including the Defense Intelligence Agency.
- (B) The Department of the Treasury, including the United States Customs Service and the Financial Crimes Enforcement Network (FinCEN).
- (C) The Central Intelligence Agency.
- (D) The Coast Guard.
- (E) The Department of Justice, including the National Drug Intelligence Center (NDIC); the Drug Enforcement Administration, including the El Paso Intelligence Center (EPIC); and the Federal Bureau of Investigation.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of centers and activities referred to in that paragraph in achieving the objectives of the national drug control strategy. In order to maximize such effectiveness, the plan shall—

- (A) articulate clear and specific mission statements for each counterdrug intelligence center and activity, including the manner in which responsibility for counterdrug intelligence activities will be allocated among the counterdrug intelligence centers;
- (B) specify the relationship between such centers;
- (C) specify the means by which proper oversight of such centers will be assured;
- (D) specify the means by which counterdrug intelligence will be forwarded effectively to all levels of officials responsible for United States counterdrug policy; and
- (E) specify mechanisms to ensure that state and local law enforcement agencies are apprised of counterdrug intelligence acquired by Federal law enforcement agencies in a manner which—
 - (i) facilitates effective counterdrug activities by State and local law enforcement agencies; and
 - (ii) provides such State and local law enforcement agencies with the information relating to the safety of officials involved in their counterdrug activities.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees means the following:

- (1) The Committee on Foreign Relations, the Committee on Judiciary, and the Select Committee on Intelligence of the Senate.
- (2) The Committee on International Relations, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

**1998 INTELLIGENCE AUTHORIZATION ACT, Section 104(e) and
Accompanying Conference Committee Report Language**

Sec. 104 (e) NATIONAL DRUG INTELLIGENCE CENTER -

(1) IN GENERAL - Of the amount authorized to be appropriated in subsection (a), the amount of \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS - The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION - Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) AUTHORITY - Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

PERTINENT CONFERENCE COMMITTEE REPORT LANGUAGE:

Section 104 of the conference report authorizes appropriations for the Community Management Account of the Director of Central Intelligence.

Subsection (e) authorizes \$27,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). This subsection is identical to subsection (e) in the House amendment. The Senate bill had no similar provision. The Senate recedes. The managers agree that continued funding of the NDIC from the NFIP deserves considerable study and many remain concerned that the balance between law enforcement and national security equities in the NDIC's operations is

skewed in favor of the law enforcement community. This is due, in part, to placement of the NDIC within the Department of Justice.

The managers urge the President to carefully examine this problem and report to the Committees before April 1, 1998. This examination should be undertaken and reported as a part of the National Counter Narcotics Architecture Review currently being prepared by the Office of National Drug Control Policy. The report should describe current and proposed efforts to structure the NDIC to effectively coordinate and consolidate strategic drug intelligence from national security and law enforcement agencies. It should also describe what steps have been taken to ensure that the relevant national security and law enforcement agencies are providing the NDIC with access to data needed to accomplish this task. The managers agree that upon receipt of this report the intelligence committees will reconsider whether it is appropriate to continue funding the NDIC as a part of the National Foreign Intelligence Program.